

MESSAGE NO: 1326305

MESSAGE DATE: 11/22/2011

MESSAGE STATUS: Active

CATEGORY: Antidumping

TYPE: LIQ-Liquidation PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE: OUTSCO-Out of Scope

FR CITE:

FR CITE DATE:

REFERENCE  
MESSAGE #  
(s):

CASE #(s): A-570-864

EFFECTIVE DATE: 10/18/2006

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED:

TO

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Antidumping duty scope determination on pure magnesium in granular form from the People's Republic of China (A-570-864).

NOTICE OF THE LIFTING OF SUSPENSION OCCURRED ON THE MESSAGE DATE OF THESE INSTRUCTIONS. SEE PARAGRAPH 5 BELOW.

1. ON 10/28/2011, IN RESPONSE TO A SCOPE RULING REQUEST FROM ESM GROUP INC. ON 10/28/2011, COMMERCE ISSUED A FINAL SCOPE DETERMINATION THAT MAGNESIUM ATOMIZED IN THE PEOPLE'S REPUBLIC OF CHINA ("PRC") FROM PURE MAGNESIUM INGOTS PRODUCED IN THE U.S. WHICH ESM GROUP INC. IMPORTS IS NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER ON PURE MAGNESIUM IN GRANULAR FORM FROM THE PRC (A-570-864).

2. COMMERCE DETERMINED THAT ESM GROUP INC.'S ATOMIZED MAGNESIUM IS OUTSIDE THE SCOPE OF THE ORDER BECAUSE THE PROCESS OF ATOMIZING MAGNESIUM DOES NOT SUBSTANTIALLY TRANSFORM THE MAGNESIUM INGOT. THUS, THE COUNTRY OF ORIGIN OF THE ATOMIZED MAGNESIUM REMAINS THE COUNTRY OF ORIGIN OF THE ORIGINAL MAGNESIUM INGOT, WHICH IS THE UNITED STATES. THEREFORE, ESM'S ATOMIZED MAGNESIUM IS NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER ON PURE MAGNESIUM IN GRANULAR FORM FROM THE PRC (A-570-864).

3. EFFECTIVE 10/18/2006, CBP SHALL TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES OF ATOMIZED MAGNESIUM DESCRIBED ABOVE WHICH WERE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION.

4. REFUND ANY CASH DEPOSITS AND RELEASE ANY BONDS RELATING TO ATMOMIZED MAGNESIUM DESCRIBED ABOVE.

5. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF ATMOMIZED MAGNESIUM ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 10/18/2006.

6. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CBP ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930, AS AMENDED. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS OR ASSESS INTEREST ON UNDERPAYMENTS OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

7. UNLESS INSTRUCTED OTHERWISE, FOR ALL OTHER SHIPMENTS OF PURE MAGNESIUM IN GRANULAR FORM FROM THE PRC NOT COVERED BY PARAGRAPH 2 ABOVE, YOU SHALL CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY O8:LEA).

9. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

MICHAEL B. WALSH

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party